

EXHIBIT B

HIGHLY CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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JAMES HAYDEN,

Plaintiff,

v. Case No. 1:17-cv-002635-CAB

2K GAMES, INC., AND  
TAKE-TWO INTERACTIVE SOFTWARE, INC.,

Defendants.

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PROTECTIVE ORDER

Remote Deposition of
JAMES E. MALACKOWSKI

August 26, 2021
10:03 a.m.

Witness Location:
11661 Marquette Drive
Buffalo, New York

Stephen J. DeBacco, RPR

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1 this case, infringing or asserted infringing
2 copyrights would become smaller.

3 And just to clarify, if I said
4 numerator before, I meant denominator, and I
5 will look to clear that up in any sort of
6 errata.

7 Q. So are you -- well, strike that.

8 Mr. Malackowski, isn't comparing
9 lines of code or file size an overly simplistic
10 and crude way to attempt to measure the value
11 of the content that's embodied in such files?

12 A. I don't think you can make that
13 statement generally. I think you have to look
14 at the content that you're evaluating. When
15 we're looking at content, such as the accused
16 copyrights, which represent one of perhaps well
17 over 100 elements of realism in a game, and not
18 one that has any particular attribution to the
19 revenue, I think that file size here is
20 uniquely appropriate.

21 Q. Uniquely appropriate.

22 A. Correct, as opposed to other cases
23 where we're talking about software code, for
24 example.

25 Q. You're aware, Mr. Malackowski, that